

REMARKS

Claims 1, 18, 29, 36 and 41 have been amended. Claims 1-45 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Double Patenting Rejection:

The Examiner rejected claims 1-5, 18, 19, 24-27 and 29-31 under the judiciary created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-5, 15-17, 22-26, 38-40, 44-49, 53-55, 59-62, 68, 69, 73-75 and 79-81 of U.S. Application No. 10/783,738. As noted in Applicants' previous Responses, the instant application and the 10/783,738 application are both pending patent applications, not issued patents. If and/or when this rejection becomes non-provisional, Applicants will consider filing a terminal disclaimer or present reasons traversing the rejection. Also, the rejection should be reconsidered in light of the above amendments and any recent amendments to the claims in the 10/783,738 application.

Section 112, Second Paragraph, Rejection:

The Examiner rejected claims 1-17 and 29-45 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. While Applicants respectfully traverse this rejection, in order to expedite prosecution, claims 1, 29, 36, and 41 have been amended to clarify the meaning of the term "isolate". Therefore, Applicants respectfully request removal of the rejection of claims 1-17 and 29-45 under 35 U.S.C. § 112, second paragraph.

Section 103(a) Rejections:

The Examiner rejected claims 1, 2, 4, 5, 14 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Suri, et al. ("Strong Mobility and Fine-Grained Resource Control in NOMADS") (hereinafter "Suri") in view of Bose et al. (U.S. Patent 7,366,134)

(hereinafter “Bose”) and further in view of Ramamurthy et al. (U.S. Patent 7,080,077) (hereinafter “Ramamurthy”), claim 3 as being unpatentable over Suri in view of Bose in further view of Ramamurthy and in further view of Courtrai, et al. (“Resource Management for Parallel Adaptive Components”) (hereinafter “Courtrai”), claim 13 as being unpatentable over Suri in view of Bose in further view of Ramamurthy and in further view of Czajkowski, et al. (“Jres: A Resource Accounting Interface for Java”) (hereinafter “Czajkowski”), Chambliss et al. (U.S. Patent 7,228,354) (hereinafter “Chambliss”) and Belissent (WO 02/01834 12) (hereinafter “Belissent”), claims 15 and 16 as being unpatentable over Suri in view of Ramamurthy and Belissent, claims 18-20, 24-25, 27, 29, 30-31, 33, 36, 38, 40-41, 43 and 45 as being unpatentable over Suri in view of Ramamurthy, claims 6 and 7 as being unpatentable over Suri in view of Bose, Ramamurthy and Czajkowski, claim 8 as being unpatentable over Suri in view of Bose, Ramamurthy, Czajkowski and Chambliss, claims 9-12 as being unpatentable over Suri in view of Ramamurthy, Czajkowski and Chambliss, claims 21, 23, 32, 34, 37 and 42 as being unpatentable over Suri in view of Ramamurthy and Chambliss, claim 44 as being unpatentable over Suri in view of Ramamurthy and further in view of Courtrai, claims 22 and 35 as being unpatentable over Suri in view of Ramamurthy, Chambliss and Belissent, and claim 39 as being unpatentable over Suri in view of Ramamurthy and Belissent. Applicants traverse these rejections for at least the following reasons.

Regarding claim 1, contrary to the Examiner’s assertion, the cited art fails to teach or suggest *wherein the consume request is received from one of a plurality of resource consuming isolates that are bound to one of a plurality of resource domains in which one or more respective resource policies for the requested resource are installed, and wherein the consume request specifies a measurable, consumable resource to be consumed during execution of one or more computations of the one of the plurality of resource consuming isolates and wherein the threshold rate is specified in one of the one or more respective resource policies installed in the one of the plurality of resource domains that are bound to the one of the plurality of resource consuming isolates, wherein the one of the plurality of resource domains associates the one of the one or more respective resource policies for the requested resource with the plurality of*

resource consuming isolates that are bound to the one of the plurality of resource domains.

In a telephone conference with Applicants' undersigned attorney on March 17, 2010, the Examiner agreed that the amendments to the claims presented above (specifically, those clarifying that the recited consume request specifies a measurable, consumable resource to be consumed during execution of one or more computations) would overcome the current rejection.

The Examiner previously admitted that the combined teaching of Suri and Bose does not explicitly teach that the consume request is from one of a plurality of resource consuming isolates bound to one of a plurality of resource domains in which one or more respective resource policies for the requested resource are installed; wherein the threshold rate is specified in one of the one or more respective resource policies installed in the resource domain; and wherein the resource domain associates the resource policy for the requested resource with the plurality of resource consuming isolates bound to the one of the plurality of resource domains, and relied on Ramamurthy to teach them. One passage cited by the Examiner describes the use of a policy domain cache for storing rules for each policy domain, including default and resource-specific access rules associated with resources in a given policy domain (e.g., authentication, authorization, and auditing rules). As noted in Applicants' previous Response, the policy domains of Ramamurthy are logical groupings of Web server host ID's, host names, URL prefixes, and rules used by the access management portion of Ramamurthy's system to determine whether a user is allowed to access the resources protected by the policy domains. Depending on these rules, a requested resource is (or is not) returned to the requester's web browser.

Other portions of Ramamurthy describe that authentication rules may include access rules for various users of the resources. It is clear from these and other passages of Ramamurthy that the resources to which the rules and policies apply are not measurable, consumable resources to be consumed during execution of one or more computations of the one of a plurality of resource consuming isolates, as in Applicants'

claims. Instead, in Ramamurthy, “resources” are defined this way, “A resource can be anything that is possible to address with a uniform resource locator (URL see RFC 1738). A resource can include a web page, software application, file, database, directory, a data unit, etc. In one embodiment, a resource is anything accessible to a user on a network.” Accesses to these resources are controlled by an identity management system that relies on identity profiles (which may be grouped in *locales*). These locales are completely different from the policy domains described above. Many of the passages cited by the Examiner describe policies for controlling access to identity profiles, rather than controlling access to the requested resources themselves. Applicants assert, and the Examiner has agreed, that the policy domains, requested resources, and identity profiles taught by Ramamurthy (and the associated rules and policies for accessing the resources and/or identity profiles) do not teach or suggest anything about the consume requests for measurable, consumable resources of the above-referenced limitations of Applicants’ claim 1, or the limitations involving the servicing of such requests. In addition, neither the identity management portion of Ramamurthy’s system nor the access management portion includes resource domains that associate respective resource policies for a requested resource (i.e. a measurable, consumable resource) with a plurality of resource consuming isolates that are bound to the resource domain, as in Applicants’ claim. As noted in Applicants’ previous Responses, nothing in Ramamurthy, or elsewhere in any of the cited art, teaches or suggests the binding of computations or isolates, as opposed to resources or users, to one of a plurality of resource domains, each of which specifies a respective set of resource policies for the same measurable, consumable resource. In addition, as the Examiner has agreed, the resources controlled by the system of Ramamurthy and associated with the policy domains of Ramamurthy are not analogous to those of Applicants’ claims.

For at least the reasons above, removal of the rejection of claim 1 is respectfully requested.

Independent claims 36 and 41 include limitations similar to those discussed above and were rejected for the same reasons. Therefore, the arguments presented above apply

with equal force to these claims, as well.

Independent claims 18 and 29 also include limitations involving managing consume requests received from a computation (or isolate) that specify a measurable, consumable resource to be consumed during execution of a computation (or a computation of an isolate) that is bound to one of a plurality of resource domains. As discussed above in remarks directed to claim 1, Ramamurthy clearly fails to suggest binding resource consuming computations to one of a plurality of resource domains, each of which includes respective resource policies for the same measurable, consumable resource, and associating a resource policy with the computations that are bound to the particular resource domain, as required by Applicants' claim.

For at least the reasons above, removal of the rejections of claims 18 and 29 is respectfully requested.

Applicants assert that numerous ones of the dependent claims recite further distinctions over the cited art. Applicants traverse the rejection of these claims for at least the reasons given above in regard to the claims from which they depend. Since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Applicants reserve the right to present additional arguments.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6000-33300/RCK.

Respectfully submitted,

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